

**OPINION
43-82**

May 4, 1943 (OPINION)

PUBLIC BUILDINGS

RE: Emergency Repairs

Your inquiry of April 29th relative to repairs needed at the sewage disposal plant was referred to the undersigned for attention.

If the cost of the repairs exceeds \$3,000.00, I know of no method of which it could be handled except under the provisions of chapter 195 Session Laws of 1929, section 2 of this Act states:

"Such *** city commission *** shall advertise for bids for the doing of such work for which such plans, drawings, and specifications are required."

I do not believe in a statute of this kind that the language "shall advertise" can be simply directory but that it must be interpreted as mandatory.

You state in your letter that it is difficult to estimate what the cost of the repairs to the building will be, that further damage might be disclosed during the course of the repairing. I do not believe that the city commission should be placed in a position where they must anticipate further damage than that which appears at the present time. Undoubtedly, the city engineer has made a careful investigation to determine what the damage now is and is able to make an estimate of what the cost of repairing the same will be. If his estimate is below \$3,000.00, I believe that the city commission would be justified in accepting that figure and going ahead with the work in a manner which they believe the situation justifies.

ALVIN C. STRUTZ
Attorney General